

REMARKS

Claim 1 has been amended in a non-limiting, grammatical way to clarify that the surfactant component does not include the claimed cationic polymer devoid of saccharide groups. New claim 24 requires that the composition contain no amphoteric surfactant. Support for this claim exists, *inter alia*, in the examples of the present application. New claim 25, which does not exclude the presence of an amphoteric surfactant, corresponds to original claim 1 and, thus, is supported by this original claim 1.

Claims 1-25 are currently pending.

The claimed invention combines a particular surfactant system (one which contains a phosphate surfactant and a foaming nonionic surfactant but which, in claims 1-24, does not contain amphoteric surfactant [that is, no amphoteric surfactant is present or there is so little amphoteric surfactant present that it does not materially affect the claimed surfactant system]) and a particular polymer (a cationic polymer devoid of saccharide groups). This combination of elements yields cleansing compositions which have good rinsability and which have a voluminous foam having small bubbles which is soft and dense. As demonstrated in the Rule 132 declaration submitted April 25, 2002, changing the cationic polymer from one which lacks a saccharide group to one which contains a saccharide group negatively affects the rinsability and viscosity of the composition. Moreover, as demonstrated in the Rule 132 declaration which will be submitted shortly, changing the surfactant system from one which contains a phosphate surfactant to one which lacks a phosphate surfactant negatively affects bubble size and foam density of the composition. Only when the claimed surfactant system and the cationic polymer are combined are the benefits associated with the claimed

compositions realized. As such, the claimed invention represents a novel, non-obvious advance in the art deserving of patent protection.

The Office Action rejected the claims as obvious under 35 U.S.C. §103 over U.S. patent 6,090,773 ("Lukenbach") in view of U.S. patent 6,262,130 ("Derian"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

Lukenbach teaches that several cationic polymers can be used in his compositions. For example, Lukenbach states that polyquaternium-7 (col. 11, line 64), cellulose derivative polyquaternium-10 (col. 11, line 35) and cationic guar derivatives (col. 11, line 39) can be used. Significantly, Lukenbach neither teaches nor suggests that using polymers lacking saccharide groups such as polyquaternium-7 would yield better compositions than using any of the other disclosed cationic polymers. Similarly, Lukenbach teaches that several anionic surfactants such as, for example, alkyl sulfates, alkyl ether sulfates, alkyl monoglyceryl ether sulfates, etc. (see, cols. 8-10) can be used. Also significantly, Lukenbach neither teaches nor suggests that using an a phosphate surfactant would yield better compositions than using any of the other disclosed surfactants.

Contrary to Lukenbach's teachings, however, the specific cationic polymer used and the specific anionic surfactant used are important. As demonstrated in the Rule 132 declaration previously submitted in this case, changing the cationic polymer from one which lacks a saccharide group to one which contains a saccharide group negatively affects the rinsability and viscosity of the composition (see also, page 4, lines 16-23 of the present

application which indicate that cationic polymers having saccharide groups have poor rinsability characteristics and leave undesirable films on the skin).

Moreover, as demonstrated in the Rule 132 declaration to be submitted in this case, changing the surfactant system from one which contains a phosphate surfactant to one which lacks a phosphate surfactant negatively affects bubble size and foam density of the composition. Specifically, the Rule 132 declaration compares example 1 of the present application with a comparative example which is identical to example 1 except that it contained 6.5% sodium lauryl ether sulfate (TEXAPON AOS 225 UP® from Cognis) instead of 6.5% lauryl phosphate. Thus, the comparative example did not contain a phosphate surfactant, whereas example 1 did.

The sensory criteria (see, pages 17-18 of the present application) for the comparative composition were determined. These criteria, as well as the previously-obtained sensory criteria for example 1, are set forth in the following table

Sensory criteria	Example 1 of the invention	Comparative example
Foam volume	5.1	5.7
Size of the bubbles	3.5	4.7
Density of the foam	8.4	6.8
Softness of the foam	8.8	8.3
Rinsing	8.6	8.2

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Among other differences, example 1 had significantly smaller bubble size than the comparative composition (the comparative composition had bubbles which are approximately 33% larger than example 1's bubbles according to the grading system set forth in the present application) and had significantly more dense foam than the comparative example (example 1's foam was approximately 23.5% more dense than the comparative composition's foam according to the grading system set forth in the present application).

As noted in the Rule 132 declaration, smaller bubble size and higher foam density are desirable physical properties for cleansing compositions because such properties lead to cleansing compositions having more commercially desirable characteristics such as, for example, better staying power and foam consistency. Example 1's smaller bubble size and higher foam density provide this composition (which contains a phosphate surfactant) with more commercially desirable characteristics than the comparative composition (which does not contain a phosphate surfactant). The declarant concludes that the difference in bubble size and foam density was unexpected and surprising, and demonstrates that cleansing compositions containing at least one phosphate surfactant, at least one foaming non-ionic surfactant and at least one cationic polymer devoid of saccharide groups in an aqueous medium possess unexpectedly beneficial and commercially desirable properties than compositions which do not contain a phosphate surfactant.

Thus, contrary to Lukenbach's teachings, the specific cationic polymer used and the specific anionic surfactant used are important. Accordingly, Lukenbach completely fails to teach, suggest or recognize the significance of the claimed invention.

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Moreover, based on Lukenbach's disclosure which does not attach any significance whatsoever to using a cationic polymer devoid of saccharide groups **and** a phosphate surfactant, one skilled in the art would not have expected that using both of these ingredients in a single composition would yield a composition having significantly improved rinsability, viscosity, foam bubble size and foam density characteristics, all of which translate into a more desirable commercial product.

Derian, which is cited solely for its disclosure of specific alkyl phosphate surfactants, does not compensate for Lukenbach's deficiencies.

For this reason alone, claims 1-25 are free of the cited art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending §103 rejection.

Moreover, claims 1-24 are free of the cited art for another reason as well. Lukenbach requires the presence of an amphoteric surfactant. No suggestion or motivation exists to modify Lukenbach in such a way as to eliminate an essential element from Lukenbach's compositions. Thus, no motivation or suggestion exists for one skilled in the art to obtain the invention of claims 1-24.

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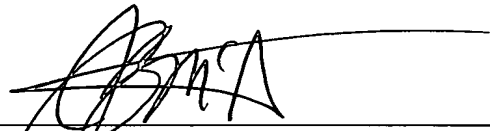
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The presently pending claims are believed to be in condition for allowance.

Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'R. Greanor', is written over a horizontal line.

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